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REMARKS

Claims 1-20 are pending in the present application. Claims 11-17 were withdrawn from consideration due to an election requirement. The specification was objected to for an abstract in excess of 150 words. The specification was objected to because of improper reference number 12 usage in paragraph 16. Claim 4 was rejected under 35 USC 112, second paragraph as being indefinite for using non-consistent claim terminology. Claims 1,3-6, and 9-10 are rejected under 35 USC 102(b) bas being anticipated by Ganser (US 6,550,856). Claims 18-19 were rejected under 35 USC 103(a) as being unpatentable over Ganser. Claims 2,7 and 20 were rejected under 35 USC 103(a) as being unpatenable over Ganser in view of Tame (US 6,192,556). Claim 6 was rejected under 35 USC 103(a) as being unpatenable over Ganser in view of Ishibashi (US 4,657,297).

The Applicant respectfully submits the following remarks and amendments in response to the aforementioned rejections and in search of arriving at a condition for allowance.

SPECIFICATION OBJECTIONS

The specification was objected to for an abstract in excess of 150 words. The specification was objected to because of improper reference number 12 usage in paragraph 16. Both the abstract and paragraph 16 were amended in accordance with the Examiner's concerns. The Applicant believes the amendments should remove any objections.

Claims Rejected Under 35 USC 112, Second Paragraph

Claim 4 was rejected under 35 USC 112, second paragraph as being indefinite for using non-consistent claim terminology. The term "seatback forward structure" was utilized without proper antecedent basis. The term should have been "seatback forward face" which has appropriate antecedent basis. It has been amended accordingly to bring claim 4 into compliance with 35 USC 112, second paragraph.

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Claims 1,3-6, and 9-10 are rejected under 35 USC 102(b)

Claims 1,3-6, and 9-10 are rejected under 35 USC 102(b) as being anticipated by Ganser (US 6,550,856). The Applicant respectfully traverses this rejection for the following reasons and arguments. The present invention claims a unique group of structures with specific complex claimed physical relationships that act in concert to allow the head rest assembly to be pivoted flat down the surface of the seatback while the bottom of the headrest pivoting outwards to allow such a tangential downward slide without hampering movement. This serves multiple purposes, it minimizes profile far better than existing arrangements, and it simplifies the mechanical assemblies.

The reason the Applicant has presented the above broad overview is to help assist the Examiner in understanding the basis for the traversal of rejection bases on Ganser. In order to utilize Ganser as the basis of a 35 USC 102(b) rejection, the Examiner's rejection sought to find comparable elements (some the Applicant finds objectionable and will address) to read on the present Application. The biggest problem, however, is that the loosely attributed comparable parts fail to have the claimed structurally relationship as in the Applicant's claims. For example:

If, as asserted by the Examiner, one attributes the element labeled 25 in the Ganser patent as equivalent to the claimed pivot structure, then it does not have a lower pivot end connected to the headrest mounting structure. The element 25 does not connect to element 11 at pivot point 15 as asserted by the Examiner. Rather it connects at point 25b along a lower swivel lever 19. This is significantly impacting difference. Element 25 connects 25b to 25a, not 13 to 15. It connects swivel levers 19 and 17 such that they move in concert. It does not extend vertically upward from the seatback top face as claimed in the present invention, it is contained completely within the Ganser seatback. And if, by way of argument, the Examiner were to assume that 25b and 25a could simply be replaced for 13 and 15 in the office action, she would be mistaken. For

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the present invention claims that the upper pivot end rotates forward *ABOUT* the lower pivot end to reach the pivot structure storage position. This does not happen in the Ganser reference. 25a does not rotated forward about 25b, the ends actually remain in a virtually identical relationship as is their purpose in the Ganser reference.

Secondly, the office action attributes the headrest inner structure claimed in the present invention to element 17 in the Ganser reference. This is improper. Element 17 is not headrest inner structure but rather a swivel lever 17 positioned outside the headrest. Element 17 surely does not extend on a downward angle from the upper pivot end as claimed by the present invention (and note that the upper pivot end must be attributed to a single element in the Ganser reference if it is to retain the claimed relationships with the other claimed elements of the present invention – thus it cannot satisfactorily be considered element 13 for some purposes and 25a for others). Furthermore, the argued outer structure element 3 does not cover the swivel element 17 as asserted. And if element 17 is argued to be the headrest inner structure as claimed, it fails to rotate away from the seatback element as claimed by the present invention. (The Applicant would be amenable to a clarification amendment if necessary to specify the lower end of the headrest inner structure moves away). It is this rotation about the upper pivot element that allows the headrest in the present claimed invention to alter its angle relative to the seatback such that it can slide-down it. The Ganser reference utilizes connecting rod 25 to prevent just such a rotation as claimed. Ganser maintains original orientation requiring the headrest to move away and down. This providing neither the simplicity, reduced profile, or textured operation of the present invention. The Ganser reference does not slide down the face, it moves away in straight downwards (angle to seatface) until impact. This is not anticipatory of the present claimed invention.

With respect to claim 3, not only does the Applicant traverse the assertion that element 17 can be considered the equivalent of the claimed headrest inner structure, but in addition, the applicant notes that it is clear in Figure 4c of the Ganser reference that

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elements 17 do NOT extend downward from the upper pivot end (they go up) and are NOT u-shaped supports. Therefore the Applicant asserts that this rejection is improper.

With respect to claim 4, this again emphasizes the differences in claimed structure. The office action asserts that the torsion springs 31 in Ganser bias the head engagement surface towards to seatback. This is incorrect. They provide a straight down bias towards Gansers' multi-swivel arrangement. In Gansers structure, as it moves down, the headrest actually moves farther away from the seatback. The single upper pivot (not two linked swivels) of the present invention, when imparted with a bias acts completely different. It serves to keep all of the headrest close-pressed into the seatback. This is how it slides down the surface (as claimed) rather than rotating away as taught in Ganser. Additionally, the structural attribution errors contained within the office action make the conclusions regarding the validity of claims 5 and 6 inappropriate.

With respect to claim 9, the office action attempts to compare the claimed pivot structure comprising a pair of inwardly arched pivot arms. The office action asserts that the pivot structure 25 in Ganser (actually just a cross-brace between two separate swivel arm groups) contains the swivel arms 19. Even were this true, none of the arm 17 or 19 are inwardly arched. They extend straight forward, or in the case of 18 they may be considered to be arched upwardly but definitely not inwardly. Claim 10 additionally deserves consideration due to the traversal of underlying elements in combination with the limitations contained therein.

Claims 18 and 19 rejected under 35 USC 103(a)

Claims 18-19 were rejected under 35 USC 103(a) as being unpatentable over Ganser. Claim 18 was amended to contain all the limitations of claim 1. Therefore, the aforementioned arguments in support of a traversal of the claim 1 rejection stand as a basis for traversal of the rejection of claims 18 and 19.

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Claims 2,7 and 20 rejected under 35 USC 103(a)

Claims 2,7 and 20 were rejected under 35 USC 103(a) as being unpatenable over Ganser in view of Tame (US 6,192,556). The Applicant respectfully traverses this rejection. Not only is the structure illustrated in Ganser different and distinct from the present claimed invention, it is incompatible with any structure taught in Tame. Ganser's structure inherently moves the headrest out and away from the seatback. This is diametrically opposed to the direct sliding seat-back tangential nature of Tame structure. There is no combinable structure in these two references to arrive at the claimed limitations. The rejection is improper, therefore, and should be overturned.

Claim 6 rejected under 35 USC 103(a)

Claim 6 was rejected under 35 USC 103(a) as being unpatenable over Ganser in view of Ishibashi (US 4,657,297). The Applicant respectfully traverses this rejection. The structure claimed in the present claim 6 is not simply a collection of structural elements pieced into the seat like a cup holder and arm rests. The structural limitations work together as a complex system. The indentation in Ishibashi appears to do nothing and is not claimed to do anything. The Ganser headrest pivots out and away rather than sliding down the seat face. Not only does Ganser in light of Ishibashi fail to teach the present claimed invention, they seem to fail to teach any beneficial combination whatsoever. The present invention teaches a structural relationship of elements unique to Ganser or Ishibashi either alone or in combination and therefore should be held allowable.

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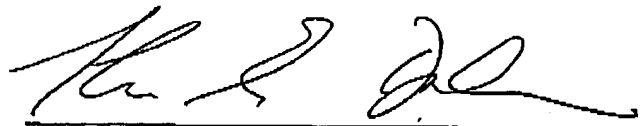
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CONCLUSION

The Applicant would like to thank the Examiner for his assistance. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited.

Should the Examiner have any questions or comments that would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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